

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BETTY ANNE WATERS as
Administratrix of the Estate of
KENNETH WATERS,
Plaintiff,

vs.

TOWN OF AYER,
NANCY TAYLOR-HARRIS,
ARTHUR BOISSEAU,
BUDDY DECOT,
WILLIAM ADAMSON,
JOHN AND JANE DOES 1-16,

Defendants.

CIVIL ACTION
NO. 04-10521-GAO

**PLAINTIFF'S ASSENTED-TO MOTION FOR LEAVE
TO EXCEED AND OTHER RELIEF RELATED TO HER
OPPOSITION TO DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT**

Plaintiff Betty Anne Waters, by her attorneys, respectfully moves for the following relief in connection with her opposition to Defendants' motions for summary judgment. Defendants have assented-to the requested relief.

1. Plaintiff respectfully requests the Court's permission to file a single, omnibus memorandum in opposition to defendants' five summary judgment motion memoranda. Plaintiff believes that a single, omnibus memorandum, as opposed to five separate and overlapping opposition briefs, will help simplify matters and be more efficient for the parties and the Court.

2. If the Court permits an omnibus opposition memorandum, Plaintiff respectfully requests leave to file such a memorandum in excess of twenty (20) pages. Specifically, Plaintiff requests leave to file an omnibus memorandum of no more than 104 pages, which is equal to

sum length of the memoranda submitted by Defendants.¹ On April 24, 2008, Defendants requested leave to exceed the page length, and in that motion noted that “Defendants have agreed to a similar motion if necessary for the plaintiff to oppose such motions.” (See Defendants’ Assented-To Motion To File Briefs In Excess Of Twenty Pages, ¶4.)

3. Finally, Plaintiff respectfully requests permission to submit her exhibits (to be delivered to the Court, not electronically filed) on Wednesday, May 28, 2008. This is one day after Plaintiff will electronically file her opposition memorandum. Plaintiff makes this request because her out-of-state counsel will be collecting and sending the exhibits. Under the current deadline, counsel would have to send the exhibits on Friday, May 23, 2008 due to the Memorial Day long weekend. With the Court’s permission, Counsel is requesting that it be permitted to send the exhibits on Tuesday, May 27, 2008 for delivery to the Court and opposing counsel on Wednesday, May 28, 2008.

¹ Five twenty-page briefs, as per the Local Rule, would total 100 pages. Therefore, Plaintiff seeks only four additional pages, which may or may not be necessary.

WHEREFORE, for the reasons stated herein, and with Defendants' assent, Plaintiff respectfully requests that the Court grant the relief requested above.

Respectfully submitted,

BETTY ANNE WATERS,
By her attorneys

/s/ Robert N. Feldman
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Dated: May 16, 2008

CERTIFICATE OF SERVICE

I, Robert N. Feldman, hereby certify that the foregoing document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on May 16, 2008.

/s/ Robert N. Feldman
Robert N. Feldman